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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,877	05/10/2001	David L. Biddulph	23140.00001	5171
31292	7590	01/04/2005	EXAMINER	
CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE, FL 33301			THAI, HANH B	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,877

Applicant(s)

BIDDULPH, DAVID L.

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed November 15, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-10,12-14,19 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-10,12-14,19 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This action is in response to Applicant's Request for Continued Examination filed November 15, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 7-10, 12-14, 19 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Chung (U. S. Pub. 2004/0046021).

Regarding claim 1, Chung discloses an information gathering system for allowing a user to verify the user's vote, the system comprising:

- at least one computer ([0039]; [0042]; [0046] and [0053], Chung);
- at least one printing device coupled to the computer ([0059]; [0063]; [0064] and [0085], Chung);
- a software component executable by the at least one computer ([0094], Chung), the software component being arranged to:
 - o assign a unique identifier corresponding to an official ballot, the unique identifier being assigned based on a user's act of voting ([0038]; [0052]; [0086]; [0099]; [0109]; Fig.2A and corresponding text, Chung);

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- store a user's voting choices and the unique identifier in a tabulation database ([0073]; [0081]; [0153]; [0154]; [0155]; step 138, Fig.4 and corresponding text, Chung); and
- cause the computer to output on the printing device:
 - a voting stub, the voting stub including the unique identifier ([0114] and [0154]. “tangible voting receipt” corresponds to “voting stub” including the “session identifier” which is the unique identifier; and
 - the official ballot, the official ballot including the unique identifier and the user's voting choices ([0133] and [0154], Chung)

wherein the unique identifier on the voting stub is visible to allow the user to access the tabulation database to verify the integrity of the user's vote as printed on the official ballot after the official ballot have been tabulated ([0034]; [0044]; [0045]; [0077]; [0090]; [0124]; [0142]; Fig. 2A and corresponding text, Chung).

Regarding claim 7, Chung discloses the system according to claim 1, wherein the tabulation database corresponds to an official vote tabulation database ([0078] and [0139], Chung).

Regarding claim 8, Chung discloses the system according to claim 1, wherein the validated user accesses the tabulation database via a communication network ([0144], Chung).

Regarding claim 9, Chung discloses the system according to claim 1, wherein a bar code corresponding to the unique identifier is printed on at least one of the voting stub and the official ballot ([0037]; [0039]; [0050] and [0053], Chung).

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Regarding claim 10, Chung discloses the system according to claim 1, wherein the unique identifier is a randomly generated number ([0038]; [0053]; [0142] and [0153], Chung).

Regarding claim 12, Chung discloses a method of voting comprising:

- requiring a voter to provide to the computer a response to the ballot ([0059]; [0063]; [0064] and [0085], Chung);
- assigning a unique identifier to the voter's response to the ballot ([0052]; [0086]; [0099]; [0109]; Fig.2A and corresponding text, Chung);
- storing the voter's response to the ballot and the assigned unique identifier in a database ([0073]; [0081]; [0153]; [0154]; [0155]; step 138, Fig.4 and corresponding text, Chung);
- producing a first tangible record of the response for retention by the voter, the first tangible record including a the assigned unique identifier ([0043]; [0045]; [0072]; [0073]; [0114] and [0154], Chung. The printed voting receipt that the voter retains corresponding to “a first tangible record”);
- producing a second tangible record of the response, the second tangible record including the voter's response to the ballot and the assigned unique identifier ([0043]; [0045]; [0073]; [0114] and [0154], Chung. The records are held by the voting authorities in the voting machine VM and in smart cards SC corresponding to “a second tangible record”);
- collecting the second tangible record ([0047] and [0049], Chung);
- storing the second tangible record ([0042]; [0045]; [0048]; [0052]; [0076] and [0103], Chung); and
- using the unique identifier to allow the voter to confirm that the collected second tangible record represents the vote intended to be cast by the voter by allowing the user to access

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the database using the unique identifier ([0034]; [0044]; [0045]; [0077]; [0090]; [0124]; [0142]; Fig. 2A and corresponding text, Chung).

Regarding claim 13, Chung further discloses the method comprising confirming that the voter's vote was printed on the second tangible record as intended by the voter, wherein the confirmation occurs after the second tangible record is collected ([064]; [0066] and [0151], Chung).

Regarding claim 14, Chung discloses the method according to claim 13, wherein requiring the voter to provide to the computer a response to the ballot comprises:

- inputting the response into the computer ([0035]; [0053] and [0070], Chung);
- checking the response by comparing the response to a selected standard ([0070], Chung);
- rejecting the response if the response does not meet the requirements of the selected standard ([0136], Chung); and
- requiring the voter to correct the rejected response ([0154], Chung).

Regarding claim 19, Chung discloses the method according to claim 12, wherein confirming that the second tangible record represents the vote intended to be cast by the voter further includes comparing the voter's response to the ballot stored in the database with the voter's response to the ballot printed on the second tangible record ([0049]; [0052]; [0103] and [0104], Chung).

Regarding claim 34, Chung discloses the system according to claim 1, wherein the unique identifier is printed on the official ballot and voting stub to allow for confidential verification of the integrity of the user's response without giving the user a physical copy of the user's vote ([0041]; [0044]; [0045]; [0050] and [0142], Chung).

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Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Kocher (US Pub. 2003/0182182) discloses a biometrics-based voting system.

2. Best et al. (US Pub. 2002/0083126) disclose an online election system.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai
Examiner
Art Unit 2161

December 22, 2004



UYEN LE
PRIMARY EXAMINER